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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,271	11/08/2001	Hiroyasu Fujinaka	YMOR:089B	5118

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EXAMINER

VERDIER, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,271

Applicant(s)

FUJINAKA ET AL.

Examiner

Christopher Verdier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-8-03, 2-5-04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 17-24 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 and 17-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20 is/are rejected.
- 7) ☒ Claim(s) 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/090,944.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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Applicants' Amendment dated December 8, 2003 and Response dated February 5, 2004 have been carefully considered but are deemed non-persuasive. Claims 8-13 and 17-24 are pending, with claims 8-13 and 17-19 being withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. The specification has been amended to correct the informalities noted in the first Office action. Applicants have adopted the examiner's suggested claim language, have corrected the informality in claim 24, and have amended claims 20-24 in order to overcome the rejections under 35 USC 112, second paragraph. Correction of the above matters is noted with appreciation.

The examiner agrees with Applicants that amended independent claim 20 defines over Otsuka and Wang. With regard to Applicants' argument that independent claim 20 defines over Starnes and Thomas, because independent claim 20 has been amended to positively recite that the annular plates are stacked from each other in planes transverse to the longitudinal direction of the axis of rotation of the fan spaced by n spacers, with n being an integer greater than or equal to five, and at least $n-2$ of the spacers are parallel with each other, the examiner respectfully disagrees. Starnes (figures 2-5) discloses a blower with annular plates 58 which are stacked from each other in planes transverse to the longitudinal direction of the axis of rotation of the fan spaced by n spacers 64, with the value of n being 12, and all of the spacers 64 are parallel with each other, because they are annular members which extend along the fan axis and the annular members have no corners and thus are parallel to each other. Thomas (figure 11) discloses a blower with annular plates 62 which are stacked from each other in planes transverse to the

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longitudinal direction of the axis of rotation of the fan spaced by n spacers 64A, 64B, with the value of n being either 7 or 21 (being 21 if all of the spacers are counted), and all of the spacers 64A, 64B are parallel with each other, because they are annular members which extend along the fan axis and the annular members have no corners and thus are parallel to each other.

The examiner agrees with Applicants that amended independent claim 24 defines over the prior art of record.

Examiner's Suggestions to Claim Language

The following are suggestions to improve the clarity and precision of the claims:

In claim 20, line 3, "the" may be deleted.

In claim 22, line 2, "the casing body also" may be changed to -- a casing body of the blower --. Alternately, Applicants may desire that claim 22 depends from claim 21.

In claim 24, line 3, "the" may be deleted.

Claim Objections

Claim 24 is objected to because of the following informality: Appropriate correction is required.

In claim 24, second to last line, "," should be deleted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Starnes, Jr. 5,407,324 (figures 2-5). Note the blower 10a arranged to suck air inside annular wall 72 through slits 60 as fan 36 rotates, with the annular wall being formed away from ends of fan blades near 36, and the slits 60 passing from the inner perimeter to the outer perimeter of the annular wall at a section which corresponds to the ends of the fan blades, being formed in sections of the annular wall which are opposite to the ends of the fan blades, with the annular wall with the slits 60 being formed by stacking plural annular plates 58 (which are annular at their inner periphery) in spaced relation from each other through spacers 64 in a direction of an axis of rotation of the fan, with all of the spacers being disposed in parallel with each other, namely parallel to each other in the axial direction of the blower/fan. The annular plates 58 are stacked from each other in planes transverse to the longitudinal direction of the axis of rotation of the fan. There are n spacers 64, with the value of n being 12, and all of the spacers 64 are parallel with each other, because they are annular members which extend along the fan axis and the annular members have no corners and thus are parallel to each other.

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Claim 20 is also rejected under 35 U.S.C. 102(b) as being anticipated by Thomas 5,288,203 (figure 11). Note the blower 20D arranged to suck air inside the annular wall near 62 through unnumbered slits as fan 28 rotates, with the annular wall being formed away from ends of fan blades near 30, and the slits passing from the inner perimeter to the outer perimeter of the annular wall at a section which corresponds to the ends of the fan blades, being formed in sections of the annular wall which are opposite to the ends of the fan blades, with the annular wall with the slits being formed by stacking plural annular plates 62 in spaced relation from each other through spacers 64A, 64B in a direction of an axis of rotation of the fan, with all of the spacers being disposed in parallel with each other, namely parallel to each other in the axial direction of the blower/fan. The annular plates 62 are stacked from each other in planes transverse to the longitudinal direction of the axis of rotation of the fan. There are n spacers 64A, 64B, with the value of n being either 7 or 21 (being 21 if all of the spacers are counted), and all of the spacers 64A, 64B are parallel with each other, because they are annular members which extend along the fan axis and the annular members have no corners and thus are parallel to each other.

Allowable Subject Matter

Claims 21-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants should consider adopting the examiner's suggested claim language with regard to claims 20 and 22.

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Claim 24 contains allowable subject matter. Applicants should correct the informality therein. Applicants should consider adopting the examiner's suggested claim language in claim 24.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Verdier whose telephone number is (703)-308-2638. The examiner can normally be reached on Monday-Friday from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward K. Look can be reached on (703) 308-1044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

C.V.
March 22, 2004



Christopher Verdier
Primary Examiner
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